Application No. 10/711,172

Remarks

Status of the Application

Claims 1-22, 70-73, 82, 85, 89-93, 109-112 are pending in the application. Claims 23-69, 74-81, 83, 84, 86-88, 94-108, and 113-131 have been Cancelled. Claims 1-22, 70-73, 82, 85, 89-93, and 109-112 have been amended.

II.   Claim Objections

Claim 1 has been objected to under MPEP § 608.01(m) for not complying with the proper form of claims. Claim 1 as well as Claim 6 have been amended and the objection is respectfully traversed.

III.   Claim Rejections - 35 USC § 112

Claims 1-22, 70-73, 82, 85, 89-93, and 109-112 have been rejected under 35 U.S.C. 112 as being allegedly inoperable as disclosed. Claims 1-8, 12-13, 70-73, 82-85, 89-93, and 109-112 have been amended and the rejection is respectfully traversed.

Claims 71 and 73 have been rejected under 35 U.S.C. 112 as being indefinite. Claims 71 and 73 have been amended and the rejection is respectfully traversed.

Claim 14 has been rejected under 35 U.S.C. 112 as having omitted essential structural cooperative relationships. Claim 14 has been amended and the rejection is respectfully traversed.

III.   Claim Rejections - 35 USC § 101

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Claims 1-22, 70-73, and 109-112 have been rejected under 35 U.S.C. 101 as being

allegedly directed to non-statutory subject matter.. Claims 1-22, 70-73, and 109-112 have been

amended and the rejection is respectfully traversed.

IV.   Claim Rejections - 35 USC § 101

Claims 1-4, 10, 11, 19-22, 82, 85, 90, 92, 93, and 109-112 have been rejected under 35

U.S.C. 102(e) as being anticipated by Ogilvie (U.S. Patent No. 6631358).

Ogilvie teaches a method that requires a covered transaction. Ogilvie requires one

covered transaction and the "specified funds" are generated and added to the transaction amount.

This is stated in both of the independent claims of Ogilvie. Ogilvie Claim 1 "according to at

least one of the time at which a transaction occurs and the transaction amount" (column 14 lines

63-65) and again in Claim 22 where it states "being determined according to least one of the time

at which a transaction occurs and the transaction amount".

Furthermore, the examiner cites Figures 1-3 within Ogilvie as evidence of COMPLETED

card transaction information. However, for Figure 1, Ogilvie covers the Merchant Facilitator

embodiment. Ogilvie states "the facilitator 102 will internally add a savings fund amount"

(column 6 line 67). Ogilvie goes further to state "the facilitator 102 will authorize a larger

amount by adding a charge for a proposed savings fund deposit" (column 7 lines 34-36).

For Figure 2, Ogilvie covers the Card Issuer embodiment. Ogilvie states "a transaction

116 request for verification to charge the consumer 100 for both the merchandise and the

proposed savings deposit 124." (column 7 lines 58-60).

For Figure 3, Ogilvie covers the Savings Vehicle as the Provider. Ogilvie states "FIG. 3

operates generally in the same manner as the systems of FIGS. 1 and 2, but includes a separate

mapping feature 300" (column 8 lines 1-3), which indicates the process does not differ for steps

prior to 300. Ogilvie further states "The merchant facilitator 200 simply directs the specified

funds to the mapping entity." (column 8 lines 13-14). Hence, the merchant is still generating the

funds off of a single authorization.

In all embodiments illustrated in Figures 1, 2, and 3, Ogilvie relies on a single

authorization step 110. In both of Ogilvie's independent claims 1 and 22, the "specified funds"

are generated at "the time at which a transaction occurs".

Because of this, Ogilvie does not teach or anticipate the essence of the present invention

in any embodiment or claim. Ogilvie performs one authorization for one amount at step 110.

Since Ogilvie has one authorization that must be done at the time at which the transaction occurs,

the "specified funds" for saving must be part of the transaction authorization.

The present invention clearly and consistently differentiates that the "fund transfer

amount" is calculated and authorized on its own accord the transaction is complete without

disrupting the initial purchase activity.

Paragraph 0001 states "This present invention method is achieved by allowing the debit,

credit, or stored value card transaction to proceed using existing technology and prior art while

using the present invention to initiate a SECONDARY transaction to transfer money from the

individual's savings, debit, credit, or stored value accounts to the target savings account."

Paragraph 0002 states "Unlike prior art, all embodiments of the present invention occur

after all Point of Sale (POS) activity for said underlying transaction is complete and said

underlying transaction is released from all POS technology and accepted by a debit, credit, or

stored value card clearinghouse system for routing to an issuer of the debit, credit, or stored

value card used in said transaction." This implies that there is no authorization actions outstanding that must be processed through the POS for the underlying transaction.

The invention provides benefit beyond prior art. Paragraph 3 states "Unlike prior art, none of the embodiments of the present invention require additional functionality within the POS appliance/technology nor are there additional steps in executing said underlying debit, credit or stored value card transaction that will subsequently trigger the present invention. This improved savings contribution system will allow individuals to contribute without disrupting time-sensitive electronic purchase transaction activities or adding the burden to merchant retailers to enhance POS technology, accommodate check-out delays, educate cashiers on additional POS functionality, and provide overall support for the savings program." Ogilvie would require modifications to the current payment process in order to execute the single authorization at step 110. Ogilvie will need to modify the transaction amount and delay the purchase authorization.

Paragraph 8 reiterates "Unlike prior art, all embodiments of the present invention occur after all Point of Sale (POS) activity for said underlying transaction is complete and said underlying transaction is released from all POS technology and accepted by a debit, credit, or stored value card clearinghouse system for routing to an issuer of the debit, credit, or stored value card used in said pending transaction. Unlike prior art, none of the embodiments of the present invention require additional functionality within the POS appliance/technology nor are there additional steps in executing said underlying debit, credit or stored value card transaction that will subsequently trigger the invention."

In the present invention, independent Claim 1 clearly distinguishes "completed debit, credit, or stored value card transaction information made by an individual" before "calculating a fund

transfer amount based on the investment preference information and any information of the completed debit, credit, or stored value card transaction."

Dependent claims 19-22 clearly distinguish that Fund Transfer transactions are distinct and are calculated on "completed debit, credit, or stored value card transactions"

Independent claim 82 clearly teaches "a computer usable program code for calculating a fund transfer amount based on the investment preference information and said completed debit, credit, or stored value card transaction information."

Figure 2A clearly shows that steps 1 through 6 of the original transaction are not interrupted. The invention introduces an independent step 7 where completed transactions are stored. The independent fund transfer transaction is created in Figure 3A. Here, the invention introduces step 1, where a computing system reads investment preference information and completed transaction data from information stored on the individual within the invention. Step 2 illustrates a computing system of the invention that calculates a fund transfer amount based on input data. Step 3 illustrates where the computing system generates a fund transfer transaction using an account stored in the information of the individual in the amount of the fund transfer amount. Step 4 illustrates where the clearinghouse routes the fund transfer transaction to a Card Issuer. In Step 5, the Card Issuer compares the transaction amount to the card account of the individual and the transaction is authorized or declined. In Step 6, the Card Issuer sends the authorization decision and settlement to the Clearinghouse. In Step 7, a computing system of the invention routes settlement of the fund transfer amount to an investment account, charity, or savings account of the individual.

Figure 2B shows an independent step 7 where completed transaction data is captured independently of the purchase transaction. The independent fund transfer transaction is created

in Figure 3B. Here, the invention introduces step 1, where a computing system reads investment preference information and completed transaction data from information stored on the individual within the invention. Step 2 illustrates a computing system of the invention that calculates a fund transfer amount based on input data. Step 3 illustrates where the computing system generates a fund transfer transaction using an account stored in the information of the individual in the amount of the fund transfer amount. In Step 4, the Card Issuer compares the transaction amount to the card account of the individual and the transaction is authorized or declined. In Step 5, a computing system of the invention routes settlement of the fund transfer amount to an investment account, charity, or savings account of the individual.

Figure 2C shows an independent step 7 where completed transaction data is captured independently of the purchase transaction.

In Figure 4A, step 6 illustrates where the computing system generates a fund transfer transaction using an account stored in the information of the individual in the amount of the fund transfer amount and resumes the pending transaction. Step 7 illustrates where the Clearinghouse routes the pending Fund Transfer transaction to the card issuer. In step 8, the Card Issuer compares each transaction amount to the card account of the individual and each transaction is authorized or declined individually. In step 9, the Card Issuer sends the authorization decision and settlement to the Clearinghouse. In step 10, The Clearinghouse routes the authorization decision to the POS and settlement to a bank of the merchant. In Step 11, the computing system receives the settlement for the fund transfer transaction. Again, the Fund Transfer transaction is distinct.

In Figure 4B, step 6 illustrates a computing system of the invention that calculates an independent fund transfer amount based on input data. Step 7 illustrates where the computing

system generates a fund transfer transaction using an account stored in the information of the individual in the amount of the fund transfer amount and resumes the pending transaction. In step 8, the Card Issuer compares each transaction amount to the card account of the individual and each transaction is authorized or declined individually. The Fund Transfer transaction is distinct.

In Figure 5, a separate Fund Transfer transaction occurs after the purchase transaction is complete in step 7. After the transaction is complete, Step 8 shows a computing system matching the account number in the pending transaction to account information of the individual. Step 9 illustrates a computing system of the invention that calculates a new transaction and prompts the individual to enter a fund transfer amount. Step 10 illustrates where the individual chooses to respond to the prompt and enters a fund transfer amount. Step 11 illustrates where the fund transfer amount is sent to the Clearinghouse. Step 12 illustrates where the computing system generates a fund transfer transaction. Step 13 illustrates where the Clearinghouse routes the pending transfer transaction to the card issuer. In step 14, the Card Issuer compares the transfer transaction amount to the card account of the individual and the transfer transaction is authorized or declined. In step 15, the Card Issuer sends the authorization decision and settlement to the Clearinghouse. In step 16, The Clearinghouse receives the settlement for the fund transfer transaction. In Step 12, the Clearinghouse routes the settlement of the fund transfer amount to an investment account, charity, or savings account of the individual. Again, the Fund Transfer Amount is a separate transaction.

Independent Claims 1 and 82 and their respective dependent claims are not anticipated nor taught in Ogilvie and the rejection is respectfully traversed.

IV.   Claim Rejections - 35 USC § 103

Claims 5-9 and 12-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Ogilvie (U.S. Patent No. 6631358) in view of Claridge et. Al. (PGPub Document No. 20030149629)

As per claim 5, the rejection of claim 1 has been respectfully traversed. In independent claim 1, Claridge teaches "at a point-of-sale location, displaying an option to perform an on-demand investment transaction". In Claridge Figure 1, step 30 indicates an Original Transaction and step 70 indicates a prompt for a real-time investment contribution during the pending transaction that does not complete until step 100. Hence, Claridge does not teach or anticipate the essence of the present invention in any embodiment or claim. Claridge performs contributions requests during the "Original Transaction". The present invention differs as its independent claims create a separate and distinct Transaction Amount that occurs after the purchase transaction is complete. Hence, the independent claims of the present invention and its dependent claims are not taught in Claridge alone or in combination with Ogilvy.

Independent Claims 1 and 82 and their respective dependent claims are not anticipated nor taught in Ogilvie and the rejection is respectfully traversed.

IV.   Conclusion

In view of the foregoing, each of claims 1-22, 70-73, and 109-112, as amended, are believed to be in condition for allowance. Accordingly, reconsideration of these claims is requested and allowance of the application is earnestly solicited.

Respectfully submitted

Date: October 12, 2009   By: _____

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